

Remarks

Upon entry of the foregoing amendments, claims 2, 4–24 and 27 are under consideration.

Applicants have rewritten claim 2 in independent form and added the further limitation contained in claim 3. Applicants have also amended dependent claims 4–7, and 10 to now claim dependency off of claim 2. amended claim 2 The present amendment adds no new matter.

THE §112 REJECTION

The Examiner has rejected claims 14–18 as being indefinite for reciting the limitation “translation termination sequence” without sufficient antecedent basis for this limitation.

Applicants respectfully note that this limitation is recited initially in claim 13 as “a translation termination sequence.” Accordingly, Applicants believe that this rejection is moot.

THE §102 REJECTIONS

The Examiner has rejected claims 1, 7–8, 10, 25–26 and 28–29 under 35 U.S.C. §102(a) as being anticipated by Yokoyama-Kobayashi *et al.* (herein referred to as “**Yokoyama**”). The Examiner has also rejected claims 1, 7–8, 10, 25–26 and 28–29 under 35 U.S.C. §102(b) as being anticipated by Kato *et al.* (herein referred to as “**Kato**”).

Applicants disagree. **Yokoyama** merely teaches how to make a vector to identify cDNAs corresponding to putative type II membrane proteins, while **Kato** merely teaches how to identify genes encoding these same proteins. Applicants assert that neither **Kato** nor **Yokoyama** teach the construction of vectors incorporating genomic DNA, but are instead restricted to the incorporation of cDNA.

However, in order to expedite allowance of the present Application, Applicants have cancelled claims 1, 25, 26, 28 and 29. Applicants have amended claims 7, 8, and 10 to now depend on allowable claims, and thus incorporate such limitations as found in those allowable claims. Accordingly, Applicants assert that, in light of the present amendments, the present

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Response to the December 1, 2005 Office Action

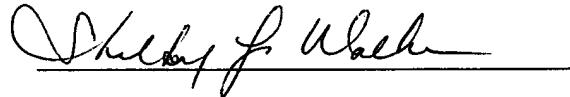
rejections under 35 U.S.C. §102(a) and (b) are now moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejections.

CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Dated: May 20, 2005



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Enclosures:

Amendment Fee Transmittal (in duplicate)
Postcard